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EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

08/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/529,865	Applicant(s) TAKAKUWA ET AL.	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/18/2010 have been fully considered but they are not persuasive.

On page 17, Applicant argues that Kato does not disclose the content space and the system space are logical space.

In response, Examiner respectfully disagrees. First of all, 'logical' is a relative term such that the level of being 'logical' can range from being pure physical to being pure abstract. The claim language does not clearly point out a specific level of being logical in such a way that it is distinguishable from the teachings of Kato. At most, the claims describe a level of 'being logical' that only requires presence of various data elements and some broad associations between these elements. In Kato, such a requirement is met as described in the Office Action. As such, Kato teaches the content space and the system space as recited in the claims. Secondly, for the sake of argument, assuming that the claims do actually refer to a logical level as one that is different from being pure physical, e.g. a space that includes only physical tracks or pits or holes on the optical disk's surface, Kato also clearly teaches the content space and system space that are of a logical level of a file system, e.g. comprising directories and files. As such, Kato also at least teaches a content space and a system space that are logically constructed as distinguishable from physical spaces.

Applicant's arguments on page 18 are not persuasive for the same reason as discussed above.

Claim Objections

Claims 1 are objected to because of the following informalities:

Claim 1 recites, “a system space constructed logically, in which system space is recorded i)... and ii)”, which should be “a system space constructed logically, in which system space are recorded i)... and ii)”

. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (US 2002/0135607 – hereinafter Kato).

Regarding claim 1, Kato discloses a non-transitory computer-readable recording medium including a logical data structure, comprising: a content space constructed logically, in which content space a plurality of content domains are recorded ([0231]; [0238]-[0240]; Fig. 14 – wherein at least the M2TS directory corresponding to the content space, in which a plurality of AV stream files, each of which correspond to a content domain, are stored), each of which content domains is constructed from a series of content information ([0201]-[0204]; [0210]; Fig. 14 – each of the content domains is constructed from a series of 01000.m2ts, 02000.m2ts, and 03000.m2ts AV stream files, each of which is the recited content information); and a system space

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constructed logically, in which system space are recorded i) a plurality of menu domains, each of which menu domains is constructed from menu information as for the content information, the menu domains corresponding to the plurality of content domains (*Fig. 14; [0201]-[0204]; [0276]* – wherein the system space corresponds to the space for the files *info.dvr*, *menu.thmb*, *mark.thmb*, whole directory *PLAYLIST* and/or directory *CLIPINF* - wherein each of the playlist files under the *PLAYLIST* directory is a menu domain. Each of such a playlist corresponds to the content domains as defined in data structures shown in *Fig. 25* or *Fig. 100* – the each playlist corresponds to a menu domain via at least a user interface defined by a structure shown in *Fig. 27* and described in *[0276]* – also each of menu or mark thumbnails associated with clips is also a menu domain) and ii) another menu domain (*Fig. 14; Fig. 21; [0201]-[0204]; [0241]-[0242]; [0254]-[0257]* - wherein the system space corresponds to the space for the files *info.dvr*, *menu.thmb*, *mark.thmb*, whole directory *PLAYLIST* and/or directory *CLIPINF*) which is constructed from menu information as for whole of the plurality of content domains or as for whole of said non-transitory computer-readable recording medium (*Fig. 21; [0201]-[0205]; [0254]-[0257]* – the list of table and/or each menu or mark thumbnails associated with either whole volume, or table of playlist or each playlist is another menu domain).

Regarding claim 2, Kato also discloses wherein a content domain for first play, which is reproduced in an initial stage of a reproduction operation, is further recorded in said system space (*[0254]; [0288]; Fig. 29* – wherein the content domain for first play is one of the AV stream files recorded in *M2TS* directory shown in *Fig. 14* with a playback

domain specified by the corresponding Playitem first defined in the playback sequence of playitems shown in Fig. 31 of the first playlist in the playback sequence of playlists defined in the Table of Playlist as described in [0254]).

Regarding claim 3, Kato also discloses wherein the content information is multiplexed and recorded by a unit of packet, which is a physically accessible unit and by which a piece of the content information is individually stored, as the content domain (Figs. 67-68, 85, 90-93, 97; [0156]; [0403]; [0417]).

Regarding claim 4, Kato also discloses wherein the menu information as for the whole is constructed from information for commonly performing selection or setting regarding a plurality of video information or audio information, which constitutes the content information, on the whole of said information record medium (Fig. 21; [0173]; [0204]-[0205]; [0254]-[0257]; [0276]).

Regarding claim 5, Kato also discloses wherein the menu information as for the content information is constructed from information for performing selection or setting regarding a plurality of video information or audio information, which constitutes the content information, only with respect to the content information (Fig. 27; [0173]; [0201]-[0204]; [0276]).

Regarding claim 6, Kato also discloses wherein a plurality of titles recorded on said information record medium individually comprise one of the content domains and one of the menu domains ([0189]; [0201]), and one of the plurality of titles comprises the another menu domain and a content domain for first play ([0254]; [0288]; Fig. 29 – *wherein the content domain for first play is one of the AV stream files recorded in M2TS*

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directory shown in Fig. 14 with a playback domain specified by the corresponding Playitem first defined in the playback sequence of playitems shown in Fig. 31 of the first playlist in the playback sequence of playlists defined in the Table of Playlist as described in [0254] – the another menu domain is at least the one corresponding to the playlist that such a first playitem belongs to or of the Table of Playlist, in which the playlist of such a first playitem is defined).

Regarding claim 7, Kato discloses an information record apparatus (Fig. 1; [0162]; [0169]), comprising: a first recording device for recording a plurality of content domains, each of which content domains is constructed from a series of content information ([0201]-[0204]; [0210]; Fig. 14 – *each of the content domains is constructed from a series of 01000.m2ts, 02000.m2ts, and 03000.m2ts AV stream files, each of which is the recited content information*), into a recording area of an information record medium ([0231]; [0238]-[0240]; Fig. 14 – *wherein at least the M2TS directory area corresponding to the area for the content space, in which a plurality of AV stream files, each of which correspond to a content domain, are stored*), and constructing logically a content space including the plurality of content domains ([0231]; [0238]-[0240]; Fig. 14 – *wherein at least the M2TS directory corresponding to the content space, in which a plurality of AV stream files, each of which correspond to a content domain, are stored*); and a second recording device for recording a plurality of menu domains, each of which menu domains is constructed from menu information as for the content information ([0201]-[0204]; [0276]), corresponding to the plurality of content domains (Fig. 14 – *wherein the system space corresponds to the space for the files info.dvr, menu.thmb,*

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mark.thmb, whole directory PLAYLIST and/or directory CLIPINF - wherein each of the playlist files under the PLAYLIST directory is a menu domain. Each of such a playlist corresponds to the content domains as defined in data structures shown in Fig. 25 or Fig. 100 – the each playlist corresponds to a menu domain via at least a user interface defined by a structure shown in Fig. 27 and described in [0276] – also each of menu or mark thumbnails associated with clips is also a menu domain), and another menu domain which is constructed from menu information as for whole of the plurality of content domains or as for whole of said information record medium into the recording area (Fig. 21; [0201]-[0205]; [0254]-[0257] – the list of table and/or each menu or mark thumbnails associated with either whole volume, or table of playlist or each playlist is another menu domain), and constructing logically a system space including the plurality of content domains and the another menu domain (Fig. 14; Fig. 21; [0201]-[0204]; [0241]-[0242]; [0254]-[0257] - wherein the system space corresponds to the space for the files info.dvr, menu.thmb, mark.thmb, whole directory PLAYLIST and/or directory CLIPINF).

Claim 8 is rejected for the same reason as discussed in claim 7 above.

Regarding claim 9, see the teachings of Kato as discussed in claim 1 above. Further, Kato also discloses an information reproduction apparatus for reproducing information on said non-transitory computer-readable recording medium (Fig. 1; [0162];[0169]), said information reproduction apparatus comprising: a reproducing device for reproducing the content domain from said content space and reproducing the plurality of menu domains or the another menu domain from said system space ([0169]-

[0175]); a setting device capable of externally setting a system parameter correspondingly to the reproduced plurality of menu domains or the reproduced another menu domain ([0169]-[0175]); and a controlling device for controlling said reproducing device to reproduce the content domain, in accordance with the system parameter externally set by said setting device ([0169]-[0175]).

Regarding claim 10, Kato also discloses wherein the system parameter includes: one or a plurality of first system parameters, which are set correspondingly to the plurality of menu domains ([0173]); one or a plurality of second system parameters, which are set correspondingly to the another menu domain ([0170]); and a third system parameter for indicating a content domain which is a setting object of the first system parameter ([0170]; [0172]; [0173]; [0287]-[0288]; [0341]; [0384]).

Regarding claim 11, Kato also discloses wherein the third system parameter indicates that the first system parameter is not set, by virtue of its particular value ([0170]; [0172]; [0173] – *wherein the first system parameter not being set is indicated by at least no mark having been selected by users*).

Regarding claim 12, Kato also discloses wherein the second system parameter .includes a resume flag for indicating whether or not the second system parameter is changed in the another menu domain if the reproduction of the content domain is restarted by resume reproduction, and said controlling device controls said reproducing device to perform the resume reproduction of the content domain, on the basis of the resume flag ([0202]; [0246]-[0248]).

Regarding claim 13, Kato also discloses wherein the system parameter further includes a fourth system parameter for indicating a content domain which is being currently reproduced by said reproducing device ([0287]-[0288]; *Fig. 29*), and said controlling device controls said reproducing device to reproduce the content domain on the basis of the first system parameter, if the content domain indicated by the third system parameter agrees with the content domain indicated by the fourth system parameter ([0341]; [0384]; [0545]-[0553]).

Claim 14 is rejected for the same reason as discussed in claim 9 above.

Claim 15 is rejected for the same reason as discussed in claims 7 and 9 above.

Claim 16 is rejected for the same reason as discussed in claims 8 and 14 above.

Claim 17 is rejected for the same reason as discussed in claim 7 above.

Claim 18 is rejected for the same reason as discussed in claim 9 above.

Claim 19 is rejected for the same reason as discussed in claim 15 above.

Claim 20 is rejected for the same reason as discussed in claim 1 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621